

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-2, 4-10, and 12 have been rejected by the Examiner. Claims 1, 4, 8, and 12 have been amended. No new matter has been added. Accordingly, Claims 1-2, 4-10, and 12 will be pending in the present application upon entry of this Reply and Amendment.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

**Claim Rejections – 35 U.S.C. § 102****1. Thomas et al.**

On page 2 of the Office Action, the Examiner rejected Claims 1-2 and 10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,277,517 to Thomas et al. The rejection should be withdrawn because Thomas et al. fails to disclose, teach or suggest the claimed invention. For example, Thomas et al. fails to disclose, teach, or suggest a “rechargeable battery” having a “splash basket” that has “slots distributed over its circumference, the splash basket having an inner diameter that increases from a free end of the splash basket to an upper end of the splash basket, each of the slots continuing as far as the free end of the splash basket; wherein each of the slots has a width that broadens with increasing distance from the free end of the splash basket” as recited in Claim 1.

Thomas et al. discloses an “electrolyte baffling plug” that includes “an outer splash guard concentrically spaced from” an “inner tubular splash guard” (see Thomas et al. Abstract). As shown in Figures 3 and 4 of Thomas et al., the “slots” formed in the “outer splash guard” do not have a width that broadens with increasing distance from the free end of the splash basket, as required by Claim 1.

Thomas et al. also does not disclose that the inner diameter of either of the “inner and outer splash guards” increases from a free end of the splash basket to an upper end of the splash

basket, as required by Claim 1. In contrast, it appears from Figure 3 of Thomas et al. that the inner diameters of the “inner and outer splash guards” are constant from the free end of the splash guards to the upper ends thereof.

Reconsideration and withdrawal of the rejection of independent Claim 1 over Thomas et al. is respectfully requested.

Claims 2 and 10 depend from Claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in these dependent claims. Reconsideration and withdrawal of the rejection of Claims 2 and 10 is respectfully requested.

**2. Richter et al.**

On page 5 of the Office Action, the Examiner rejected Claims 1, 4, 8, 9, and 12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,733,921 to Richter et al. The rejection should be withdrawn because Richter et al. fails to disclose, teach or suggest the claimed invention.

For example, Richter et al. fails to disclose, teach, or suggest a “rechargeable battery” having a “splash basket” that has “slots distributed over its circumference, the splash basket having an inner diameter that increases from a free end of the splash basket to an upper end of the splash basket, each of the slots continuing as far as the free end of the splash basket; wherein each of the slots has a width that broadens with increasing distance from the free end of the splash basket” as recited in Claim 1.

Richter et al. also fails to disclose, teach, or suggest a “rechargeable battery” having a “splash basket” that has “slots distributed over its circumference, the slots continuing as far as a free end of the splash basket, wherein the slots and the interior diameter of the splash basket narrow from an upper end of the splash basket to the free end of the splash basket” as recited in Claim 4.

Richter et al. further fails to disclose, teach, or suggest a “rechargeable battery” having a “splash basket” that has “slots distributed over its circumference, the slots continuing as far as a free end of the splash basket and having a width that broadens with increasing distance from the free end of the splash basket, wherein the portions of the splash basket adjacent the slots are inclined such that the diameter of the free end of the splash basket is smaller than the diameter of an upper end of the splash basket” as recited in Claim 8.

Richter et al. further fails to disclose, teach, or suggest a “sealing plug” having a “splash basket” that has “slots provided along its circumference; wherein the slots continue as far as a free end of the splash basket and narrow from an upper end of the splash basket to the free end of the splash basket, the splash basket having an inner diameter that increases with increasing distance from the free end of the splash basket” as recited in Claim 12.

Richter et al. discloses a “rechargeable electric battery” that includes a “closure plug 3” that has a “splash basket 5 which projects into the cell and prevents acid splashes entering the interior of the plug” (see Richter et al., column 4, lines 25-28).

Richter et al. does not disclose, however, that slots formed in the splash basket have a width that broadens or increases with increasing distance from the free end of the splash basket or that narrow from an upper end of the splash basket to the free end of the splash basket, as required by independent Claims 1, 4, 8, and 12.

Richter et al. also does not disclose that the inner diameter of the “splash basket 5” increases from a free end of the splash basket to an upper end of the splash basket or that narrows from an upper end of the splash basket to the free end of the splash basket, as required by independent Claims 1, 4, 8, and 12.

Reconsideration and withdrawal of the rejection of independent Claims 1, 4, 8, and 12 over Richter et al. is respectfully requested.

Claim 9 depends from Claim 8 and is allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in such claim. Reconsideration and withdrawal of the rejection of Claim 9 is respectfully requested.

**Claim Rejections – 35 U.S.C. § 103**

On page 2 of the Office Action, the Examiner rejected Claims 4-7 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Thomas et al. in view of U.S. Patent No. 4,201,647 to Spaziante et al. The rejection should be withdrawn because the combination of Thomas et al. and Spaziante et al. fails to disclose, teach or suggest the claimed invention.

For example, the combination of Thomas et al. and Spaziante et al. fails to disclose, teach, or suggest a “rechargeable battery” having a “splash basket” that has “slots distributed over its circumference, the slots continuing as far as a free end of the splash basket, wherein the slots and the interior diameter of the splash basket narrow from an upper end of the splash basket to the free end of the splash basket” as recited in Claim 4.

The combination of Thomas et al. and Spaziante et al. also fails to disclose, teach, or suggest a “sealing plug” having a “splash basket” that has “slots provided along its circumference; wherein the slots continue as far as a free end of the splash basket and narrow from an upper end of the splash basket to the free end of the splash basket, the splash basket having an inner diameter that increases with increasing distance from the free end of the splash basket” as recited in Claim 12.

As described above, Thomas et al. does not disclose, teach, or suggest a splash basket that has slots or an inner diameter which narrows from an upper end of the splash basket to the free end of the splash basket. In contrast, Figures 3 and 4 of Thomas et al. illustrate that the “slots” formed in the “outer splash guard” do not narrow from an upper end of the splash basket to the free end of the splash basket and that the inner diameters of the “inner and outer splash guards” are constant from the free end of the splash guards to the upper ends thereof. Spaziante et al. also does not disclose, teach, or suggest such features.

Reconsideration and withdrawal of the rejection of independent Claims 4 and 12 over the combination of Thomas et al. and Spaziante et al. is respectfully requested.

Claims 5-7 depend from Claim 4 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in such claims. Reconsideration and withdrawal of the rejection of Claims 5-7 is respectfully requested.

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It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. The Applicant requests consideration and allowance of all pending claims.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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